

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 127 OF 2000

Hindustan Lever Limited .. Applicant.

V/s.

Messrs. Khimji Pallan & Ors. .. Respondents.

Shri S.S. Parab for the Applicant (Absent).
 Shri H.H. Nagi for Respondents 1 to 3.
 Shri K.V.Saste, APP for the Respondent No.5.

CORAM : A.M.KHANWILKAR, J.
DATED : MARCH 21, 2005

PC :-

. This petition takes exception to the order passed by the Additional Chief Metropolitan Magistrate, 38th Court, Ballard Pier, Mumbai dated 13.01.2000 in C.C. No. 1410/@/97, discharging the respondents in connection with the offence registered under section 138 of the Negotiable Instruments Act. The principal ground on which the respondents have succeeded before the lower court, is on the admitted fact that the second statutory notice was issued by the petitioner/ applicant in respect of the disputed cheque. It is well settled that the criminal action on the basis of such a second notice, cannot be maintained against the accused as held by the Apex

Court in the case of Sadanandan Bhadran vs. Madhavan Sunil Kumar, decided on 28.08.1998 in Criminal Appeal No. 589/1992 (1998 III CCR 238 (SC) : Mah. L.J. 365 (SC)).

. There is no reason to depart from the conclusion so reached by the courts below. Hence, no interference is warranted. Dismissed.

. Ordered accordingly.

.....